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E-FILED - 12/23/08

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RAMBUS INC.,

Plaintiff,

v.

HYNIX SEMICONDUCTOR INC.,
HYNIX SEMICONDUCTOR AMERICA
INC., HYNIX SEMICONDUCTOR
MANUFACTURING AMERICA INC.,

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC., SAMSUNG AUSTIN
SEMICONDUCTOR, L.P.,

NANYA TECHNOLOGY
CORPORATION, NANYA
TECHNOLOGY CORPORATION U.S.A.,

Defendants.

Case No. C 05-00334 RMW

**~~[PROPOSED]~~ ORDER GRANTING
MISCELLANEOUS ADMINISTRATIVE
REQUEST PURSUANT TO CIVIL LOCAL
RULES 7-10 AND 79-5 TO SEAL:**

- 1. CONFIDENTIAL VERSION OF MICRON,
SAMSUNG AND HYNIX'S OPPOSITION
TO RAMBUS INC.'S *DAUBERT* MOTION
NO. 3 TO PRECLUDE THE
MANUFACTURERS' EXPERTS FROM
RELYING ON THE INFINEON
SETTLEMENT AGREEMENT, CERTAIN
AMENDED LICENSE AGREEMENTS,
AND CERTAIN LICENSE
RENEGOTIATIONS AND NOTICE OF
CROSS-MOTION AND CROSS-MOTION
TO PRECLUDE RAMBUS INC. AND
DAVID J. TEECE FROM RELYING ON
THE 2000 LICENSES;**
- 2. EXHIBITS A, B, C, G, H, I, J, K, L & M
TO THE DECLARATION OF DAVID J.
LENDER IN SUPPORT THEREOF;**
- 3. CONFIDENTIAL VERSION OF
MICRON'S OPPOSITION TO RAMBUS'S
MOTION FOR SUMMARY JUDGMENT;**
- 4. EXHIBITS 1, 2, 3, 4, 6, 7, & 11 TO THE
DECLARATION OF ELIZABETH
STOTLAND WEISWASSER IN SUPPORT
THEREOF**

Honorable Ronald M. Whyte

1 RAMBUS INC.,

2 Plaintiff,

3 v.

4 SAMSUNG ELECTRONICS CO., LTD.,
5 SAMSUNG ELECTRONICS AMERICA, INC.,
6 SAMSUNG SEMICONDUCTOR, INC.,
7 SAMSUNG AUSTIN SEMICONDUCTOR,
8 L.P.,

9 Defendants.

Case No. C 05-02298 RMW

10 RAMBUS INC.,

11 Plaintiff,

12 v.

13 MICRON TECHNOLOGY, INC. and MICRON
14 SEMICONDUCTOR PRODUCTS, INC.,

15 Defendants.

Case No. C 06-00244 RMW

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HYNIX SEMICONDUCTOR INC.,

7 HYNIX SEMICONDUCTOR AMERICA INC.,

HYNIX SEMICONDUCTOR MANUFACTURING AMERICA INC., HYNIX

8 SEMICONDUCTOR U.K. LTD., and

HYNIX SEMICONDUCTOR DEUTSCHLAND GmbH

As set forth in defendants Micron Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics Co., LTD., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., Samsung Austin Semiconductor, L.P., Hynix Semiconductor Inc., Hynixsemiconductor America Inc., and Hynix Semiconductor Manufacturing America Inc.,’s (collectively “Defendants”) Miscellaneous Administrative Request Pursuant To Civil Local Rules 7-10 and 79-5 To Seal Documents, Defendants lodged with the Court the following documents in connection with their Opposition To Rambus Inc.’s *Daubert* Motion No. 3 To Preclude The Manufacturers’ Experts From Relying On The Infineon Settlement Agreement, Certain Amended License Agreements, And Certain License Renegotiations And Notice Of Cross-Motion And Cross-Motion To Preclude Rambus Inc. And David J. Teece From Relying On The 2000 Licenses, and Micron’s Opposition to Rambus’s Motion for Summary Judgment on Micron’s License Defense and for Partial Summary Judgment on Micron’s Lack of Standing Defense:

- The Confidential version of Micron, Samsung, and Hynix’s Opposition To Rambus Inc.’s *Daubert* Motion No. 3 to Preclude the Manufacturers’ Experts From Relying on the Infineon Settlement Agreement, Certain Amended License Agreements, and Certain License Renegotiations And Notice of Cross-Motion and Cross-Motion to Preclude Rambus Inc. and David J. Teece From Relying on the 2000 Licenses.

- **Exhibit A** to the Declaration of David J. Lender in Support of Micron, Samsung, and Hynix’s Opposition to Rambus Inc.’s *Daubert* Motion No. 3. This exhibit is a true and correct copy of excerpts from the deposition of David J. Teece, dated 10/20/2008.

- **Exhibit B** to the Declaration of David J. Lender in Support of Micron, Samsung, and Hynix’s Opposition to Rambus Inc.’s *Daubert* Motion No. 3. This exhibit is a true and correct copy of excerpts from the deposition of David J. Teece, dated 10/21/2008.

- **Exhibit C** to the Declaration of David J. Lender in Support of Micron, Samsung, and Hynix’s Opposition to Rambus Inc.’s *Daubert* Motion No. 3. This exhibit is a true and correct copy of excerpts from the expert report of David J. Teece, from *Rambus Inc. v. Infineon Technologies AG*, Civ. No. 3:00CV524, dated 12/20/2000.

- **Exhibit G** to the Declaration of David J. Lender in Support of Micron,

1 Samsung, and Hynix's Opposition to Rambus Inc.'s *Daubert* Motion No. 3. This exhibit is a true
2 and correct copy of a document bearing bates numbers R2060906-7.

3 • **Exhibit H** to the Declaration of David J. Lender in Support of Micron,
4 Samsung, and Hynix's Opposition to Rambus Inc.'s *Daubert* Motion No. 3. This exhibit is a true
5 and correct copy of excerpts from the deposition of John Danforth, dated 6/26/2008.

6 • **Exhibit I** to the Declaration of David J. Lender in Support of Micron,
7 Samsung, and Hynix's Opposition to Rambus Inc.'s *Daubert* Motion No. 3. This exhibit is a true
8 and correct copy of excerpts from the deposition of Stephen D. Prowse, Ph.D, dated 10/22/2008.

9 • **Exhibit J** to the Declaration of David J. Lender in Support of Micron,
10 Samsung, and Hynix's Opposition to Rambus Inc.'s *Daubert* Motion No. 3. This exhibit is a true
11 and correct copy of excerpts from the deposition of W. Christopher Bakewell, dated 10/15/2008.

12 • **Exhibit K** to the Declaration of David J. Lender in Support of Micron,
13 Samsung, and Hynix's Opposition to Rambus Inc.'s *Daubert* Motion No. 3. This exhibit is a true
14 and correct copy of excerpts from the deposition of Roy Weinstein, dated 10/16/2008.

15 • **Exhibit L** to the Declaration of David J. Lender in Support of Micron,
16 Samsung, and Hynix's Opposition to Rambus Inc.'s *Daubert* Motion No. 3. This exhibit is a true
17 and correct copy of excerpts from the expert report of David J. Teece towards Micron, dated
18 9/05/2008.

19 • **Exhibit M** to the Declaration of David J. Lender in Support of Micron,
20 Samsung, and Hynix's Opposition to Rambus Inc.'s *Daubert* Motion No. 3. This exhibit is a true
21 and correct copy of excerpts from the expert report of David J. Teece towards Hynix, dated
22 9/05/2008.

23 • The Confidential version of Micron's Opposition to Rambus's Motion for
24 Summary Judgment on Micron's License Defense and for Partial Summary Judgment on
25 Micron's Lack of Standing Defense ("Micron's Confidential Opposition to Rambus's Motion for
26 Summary Judgment")

27 • **Exhibit 1** to the Declaration of Elizabeth Stotland Weiswasser in support
28 of Micron's Opposition To Rambus's Motion For Summary Judgment On Micron's License

1 Defense And For Partial Summary Judgment On Micron's Lack Of Standing Defense. This
2 exhibit is a true and correct copy of excerpts from various MIPS Computer Systems, Inc.
3 ("MIPS") documents relating to the R6000.

4 • **Exhibit 2** to the Declaration of Elizabeth Stotland Weiswasser in support
5 of Micron's Opposition To Rambus's Motion For Summary Judgment On Micron's License
6 Defense And For Partial Summary Judgment On Micron's Lack Of Standing Defense. This
7 exhibit is a true and correct copy of excerpts from the deposition of Paul Michael Farmwald,
8 dated 7/25/2001 and 7/26/2001.

9 • **Exhibit 3** to the Declaration of Elizabeth Stotland Weiswasser in support
10 of Micron's Opposition To Rambus's Motion For Summary Judgment On Micron's License
11 Defense And For Partial Summary Judgment On Micron's Lack Of Standing Defense. This
12 exhibit is a true and correct copy of excerpts from the deposition of Paul Michael Farmwald,
13 dated 7/14/2006.

14 • **Exhibit 4** to the Declaration of Elizabeth Stotland Weiswasser in support
15 of Micron's Opposition To Rambus's Motion For Summary Judgment On Micron's License
16 Defense And For Partial Summary Judgment On Micron's Lack Of Standing Defense. This
17 exhibit is a true and correct copy of excerpts from the deposition of Paul Michael Farmwald,
18 dated 1/22/2001.

19 • **Exhibit 6** to the Declaration of Elizabeth Stotland Weiswasser in support
20 of Micron's Opposition To Rambus's Motion For Summary Judgment On Micron's License
21 Defense And For Partial Summary Judgment On Micron's Lack Of Standing Defense. This
22 exhibit is a true and correct copy of an email from M. Farmwald to R. Crisp, dated 9/08/1995
23 (Bates Nos. R2760342 – R2760343).

24 • **Exhibit 7** to the Declaration of Elizabeth Stotland Weiswasser in support
25 of Micron's Opposition To Rambus's Motion For Summary Judgment On Micron's License
26 Defense And For Partial Summary Judgment On Micron's Lack Of Standing Defense. This
27 exhibit is a true and correct copy of handwritten notes, dated 5/15/1989 (Bates No. R114996).
28


• **Exhibit 11** to the Declaration of Elizabeth Stotland Weiswasser in support of Micron's Opposition To Rambus's Motion For Summary Judgment On Micron's License Defense And For Partial Summary Judgment On Micron's Lack Of Standing Defense. This exhibit is a true and correct copy of excerpts from the deposition of Barry J. Weinert as Silicon Graphics Inc.'s 30(b)(6) witness, dated 9/17/2008.

Having considered Defendants' Miscellaneous Administrative Request, and good cause appearing,

IT IS HEREBY ORDERED that the Confidential version of Micron Technology, Inc., Micron Semiconductor Products, Inc., Samsung Electronics Co., LTD., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., Samsung Austin Semiconductor, L.P., Hynix Semiconductor Inc., Hynix Semiconductor America Inc., and Hynix Semiconductor Manufacturing America Inc.,'s Opposition To Rambus Inc.'s *Daubert* Motion No. 3 to Preclude the Manufacturers' Experts From Relying on the Infineon Settlement Agreement, Certain Amended License Agreements, and Certain License Renegotiations And Notice of Cross-Motion and Cross-Motion to Preclude Rambus Inc. and David J. Teece From Relying on the 2000 Licenses and Exhibits A, B, C, G, H, I, J, K, L & M to the Declaration of David J. Lender in Support thereof are to be filed under seal.

IT IS HEREBY ORDERED that the Confidential version of Micron's Opposition to Rambus's Motion for Summary Judgment on Micron's License Defense and for Partial Summary Judgment on Micron's Lack of Standing Defense, and Exhibits 1, 2, 3, 4, 6, 7 and 11 are to be filed under seal.

Dated: 12/23/08


The Honorable Ronald M. Whyte
United States District Court Judge